

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	Chapter 11
SUNEDISON, INC., <i>et al.</i> ,	:	Case No. 16-10992 (SMB)
Reorganized Debtors. ¹	:	(Jointly Administered)
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SUNEDISON LITIGATION TRUST,	:	Adv. Pro. No. 18-01433 (SMB)
Plaintiff,	:	
– against –	:	
GENERAL ELECTRIC COMPANY,	:	
Defendant.	:	
	:	

**FOURTH AMENDED STIPULATION AND
ORDER SETTING DISCOVERY SCHEDULE**

WHEREAS, the SunEdison Litigation Trust (“Plaintiff”) and General Electric Company (“Defendant”, together with the Plaintiff, the “Parties”) entered into a stipulation and order (the “Stipulation”) as required by Rule 7026 of the Federal Rules of Bankruptcy Procedure, setting a discovery schedule which Stipulation was “So Ordered” by the Court on May 14, 2019 [Dkt. No. 26]; and

¹ The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor’s tax identification number, are as follows: SunEdison, Inc. (5767); SunEdison DG, LLC (N/A); SUNE Wind Holdings, Inc. (2144); SUNE Hawaii Solar Holdings, LLC (0994); First Wind Solar Portfolio, LLC (5014); First Wind California Holdings, LLC (7697); SunEdison Holdings Corporation (8669); SunEdison Utility Holdings, Inc. (6443); SunEdison International, Inc. (4551); SUNE ML 1, LLC (3132); MEMC Pasadena, Inc. (5238); Solaicx (1969); SunEdison Contracting, LLC (3819); NVT, LLC (5370); NVT Licenses, LLC (5445); Team-Solar, Inc. (7782); SunEdison Canada, LLC (6287); Enflex Corporation (5515); Fotowatio Renewable Ventures, Inc. (1788); Silver Ridge Power Holdings, LLC (5886); SunEdison International, LLC (1567); Sun Edison LLC (1450); SunEdison Products Singapore Pte. Ltd. (7373); SunEdison Residential Services, LLC (5787); PVT Solar, Inc. (3308); SEV Merger Sub Inc. (N/A); Sunflower Renewable Holdings 1, LLC (6273); Blue Sky West Capital, LLC (7962); First Wind Oakfield Portfolio, LLC (3711); First Wind Panhandle Holdings III, LLC (4238); DSP Renewables, LLC (5513); Hancock Renewables Holdings, LLC (N/A); EverStream HoldCo Fund I, LLC (9564); Buckthorn Renewables Holdings, LLC (7616); Greenmountain Wind Holdings, LLC (N/A); Rattlesnake Flat Holdings, LLC (N/A); Somerset Wind Holdings, LLC (N/A); SunE Waiawa Holdings, LLC (9757); SunE Minnesota Holdings, LLC (8926); SunE MN Development Holdings, LLC (5388); SunE MN Development, LLC (8669); Terraform Private Holdings, LLC (5993); Hudson Energy Solar Corporation (3557); SunE REIT-D PR, LLC (5519); SunEdison Products, LLC (4445); SunEdison International Construction, LLC (9605); Vaughn Wind, LLC (4825); Maine Wind Holdings, LLC (1344); First Wind Energy, LLC (2171); First Wind Holdings, LLC (6257); and 57533/0003-21127433v1

WHEREAS, the discovery schedule was amended by agreement of the parties on November 21, 2019 [Dkt. No. 36]; and the discovery schedule was further amended on March 17, 2020 [Dkt. No. 38] and May 13, 2020 [Dkt. No. 39] in light of the impact of COVID-19; and

WHEREAS, the Parties have worked diligently to complete fact discovery prior to the deadline which is set to expire on September 30, 2020; and

WHEREAS, the Parties have engaged a mediator in order to potentially resolve the adversary proceeding and therefore seek to extend the discovery deadlines by approximately sixty (60) days; and

IT IS HEREBY ORDERED AS FOLLOWS:

1. Fact discovery shall be completed by **November 30, 2020**.
2. Pursuant to Fed. R. Civ. P. 30(b)(3) and 30(b)(4) as incorporated by Fed. R. Bankr. P. 7030, any deposition may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means.²
3. Any party which has the burden of proof on a matter shall submit their expert report by **January 4, 2021**.
4. Rebuttal expert reports, if any, shall be submitted by **February 3, 2021**.
5. Expert discovery shall be completed by **March 5, 2021**.
6. A proposed final pretrial order shall be submitted by **March 19, 2021**.

EchoFirst Finance Co., LLC (1607). The address of the Reorganized Debtors' corporate headquarters is Two CityPlace Drive, 2nd floor, St. Louis, MO 63141.

² This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

7. A final pretrial conference shall be held on **March 25th, 2021**.

Stipulated and agreed as to form and substance:

Dated: New York, New York
August 28, 2020

COLE SCHOTZ P.C.

/s/Daniel F.X. Geoghan

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Dated: Boston, MA
August 28, 2020

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Counsel to Defendant

SO ORDERED:

Dated: August 31st, 2020
New York, New York

/s/ STUART M. BERNSTEIN

Honorable Stuart M. Bernstein
United States Bankruptcy Judge